

DT20 Rec'd PCT/PTO 14 JUL 2003

Attorney Docket No. 49651 (71526),

pct
3-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: S. Yokoyama et al.

EXAMINER: 1646

SERIAL NO.: 09/529,397

GROUP: Unknown

FILED: April 10, 2000

FOR: NUCLEIC ACID CAPABLE OF BINDING SPECIFICALLY TO RAS
TARGET PROTEIN

Mail Stop: Sequence
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Mail Stop: Sequence Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 11, 2003.

By: Michelle P. Chicos
Michelle P. Chicos

RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE

Sir:

The following is in response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures mailed on June 13, 2003, in the above referenced application.

Enclosed herewith for filing in the subject application are the following:

1. A copy of the Notification of Defective Response.
2. Submission of "Sequence Listing," Computer Readable Copy, and/or Amendment
Pertaining Thereto for Biotechnology Invention Containing Nucleotide and/or Amino

Acid Sequence and Statement that "Sequence Listing" and Computer Readable Copy are the Same and/or that Papers Submitted Includes No New Matter;

3. A substitute computer readable form copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written sequence listing; and
4. A paper copy of the "Sequence Listing".

Applicant believes that additional fees are not required, however, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge Deposit Account No. 04-1105. In particular, the Commissioner is hereby authorized to charge any deficiencies in the following fees: filing fees (37 C.F.R. §1.16(a), (f) or (g)); fees associated with the presentation of extra claims (37 C.F.R. §1.16(b), (c) and (d)); surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application (37 C.F.R. §1.16(e)); extension fees pursuant to § 1.136(a) (37 C.F.R. §1.17(a)(1)-(5)); and application processing fees (37 C.F.R. §1.17).

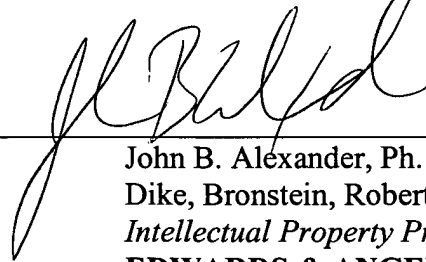
Applicant further believes that the prior response to the Notice of Incomplete Response was clearly a *bona fide* response and, as such, no additional fees are required at this time. In any event, Applicant requests and if necessary petitions that the application be confirmed to be now pending and filing requirements completed. Any fees for such a petition should be charged to deposit account 04-1105.

S. Yokoyama et al.
U.S.S.N.: 09/529,397
RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS
Page 3

Respectfully submitted,

Date: July 11, 2003

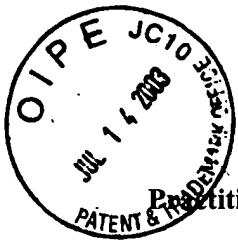
By: _____

A handwritten signature in black ink, appearing to read 'J. B. Alexander', is written over a horizontal line.

John B. Alexander, Ph. D.
Dike, Bronstein, Roberts & Cushman
Intellectual Property Practice Group
EDWARDS & ANGELL, LLP
P. O. Box 9169
Boston, MA 02209

Tel. No. (617) 439-4444

BOS2_341390.1



Petitioner's Docket No. 49651 (71526)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: S. Yokoyama et al.

Application No.: 09/529,397

Group No.: 1646

Filed: April 10, 2000

Examiner: Unknown

For: NUCLEIC ACID CAPABLE OF BINDING SPECIFICALLY TO RAS TARGET PROTEIN

Mail Stop: Sequence

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**SUBMISSION OF "SEQUENCE LISTING," COMPUTER READABLE COPY,
AND/OR AMENDMENT PERTAINING THERETO
FOR BIOTECHNOLOGY INVENTION CONTAINING NUCLEOTIDE**

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10*

*(When using Express Mail, the Express Mail label number is **mandatory**;
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. SECTION 1.8(a)

37 C.F.R. SECTION 1.10*

☒ with sufficient postage as first class mail.

☐ as "Express Mail Post Office to Address"
Mailing Label No. _____ (**mandatory**)

TRANSMISSION

☐ transmitted by facsimile to the Patent and Trademark Office (703) ____-____.

Michelle P. Chicos

Signature

Date: July 11, 2003

Michelle P. Chicos

(type or print name of person certifying)

***WARNING:** Each paper or fee filed by "Express Mail" **must** have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. Section 1.10(b).
"Since the filing of correspondence under section 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will **not** be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

(check and complete this item, if applicable)

1. ☒ This replies to the Office Letter DATED June 13, 2003.

NOTE: If these papers are filed before the office letter issues, adequate identification of the original papers should be made, e.g., in addition to the name of the inventor and title of invention, the filing date based on the "Express Mail" procedure, the application number from the return post card or the attorney's docket number added.

☒ A copy of the Office Letter is enclosed.

IDENTIFICATION OF PERSON MAKING STATEMENT

John B. Alexander, Ph.D.

2. I, _____
(type or print name of person signing below)

state the following:

ITEMS BEING SUBMITTED

3. Submitted herewith is/are:

(check each item as applicable)

- A. ☒ "Sequence Listing(s)" for the nucleotide and/or amino acid sequence(s) in this application. Each "Sequence Listing" is assigned a separate identifier as required in 37 C.F.R. Section 1.821(c) and 37 C.F.R. Sections 1.822 and 1.823.
- B. ☐ An amendment to the description and/or claims, wherein reference is made to the sequence by use of the assigned identifier, as required in 37 C.F.R. Section 1.821(d).
- C. ☒ A copy of each "Sequence Listing" submitted for this application in computer readable form, in accordance with the requirements of 37 C.F.R. Sections 1.821(e) and 1.824.
- D. ☐ Please transfer to this application, in accordance with 37 C.F.R. Section 1.821(e), the computer readable copy(ies) from applicant's other application identified as follows:

In re application of:
Application No.: 0 /
Filed:
For:

Group No.:
Examiner:

The Computer readable form(s) of applicant's other application corresponds to the "Sequence Identifier(s)" of the application as follows:

Computer Readable Form
(other application)

"Sequence Identifier"
(this application)

NOTE: "If the computer readable form of a new application is to be identical with the computer readable form of another application of the applicant on file in the Office, reference maybe made to the other application and computer readable form in lieu of filing a duplicate computer readable form in the new application. The new application shall be accompanied by a letter making such reference to the other application and computer readable form, both of which shall be completely identified." 37 C.F.R. Section 1.821(e).

E. ☒ A statement that the content of each "Sequence Listing" submitted and each computer readable copy are the same, as required in 37 C.F.R. Section 1.821(g).

☐ Because the statement is not made by a person registered to practice before the Office, the Statement is verified as required in 37 C.F.R. Section 1.821(b).

F. ☒ Because this submission is made in fulfilling the requirement under 37 C.F.R. Section 1.821(g), a statement that the submission includes no new matter.

☐ Because the statement is not made by a person registered to practice before the Office, the statement is verified, as required in 37 C.F.R. Section 1.821(g).

**STATEMENT THAT "SEQUENCE LISTING"
AND COMPUTER READABLE COPY ARE THE SAME
AND/OR THAT PAPERS SUBMITTED INCLUDES NO NEW MATTER**

4. I hereby state:

(complete applicable item A and/or B)

A. ☒ Each computer readable form submitted in this application, including those forms requested to be transferred from applicant's other application, is the same as the "Sequence Listing" to which it is indicated to relate.

B. ☒ All papers accompanying this submission, or for which a request for transfer from applicants' other application, introduce no new matter.

STATUS

5. Applicant is

☐ a small entity. A statement:

☐ is attached.

☐ was already filed.

☒ other than a small entity.

EXTENSION OF TERM

6.

NOTE: *"Extension of Time in Patent Cases (Supplement Amendments) If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.*

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of Dec.10, 1985 (1061 O.G. 34-35).

NOTE: *See 37 C.F.R. Section 1.645 for extensions of time in interference proceedings and 37 C.F.R. Section 1.550(c) for extensions of time in reexamination proceedings.*

7. The proceedings herein are for a patent application and the provisions of 37 C.F.R. Section 1.136 apply:

(complete (a) or (b) as applicable)

(a) ☐ Applicant petitions for an extension of time under 37 C.F.R. Section 1.136 (fees: 37 C.F.R. Section 1.17(a)(1)-(4)) for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 400.00	\$ 200.00
<input type="checkbox"/> three months	\$ 920.00	\$ 460.00
<input type="checkbox"/> four months	\$1440.00	\$ 720.00

Fee \$ 0.00

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for _____ months has already been secured, and the fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ _____

OR

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

FEE PAYMENT

8. ☐ Attached is a check in the sum of \$ _____.
- ☐ Charge Account No. _____ the sum of \$ _____.
- A duplicate of this transmittal is attached.

FEE DEFICIENCY

9.

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G. 31-33.

10. ☒ If any additional extension and/or fee is required, charge Account No. 04-1105.

SIGNATURE(s)

John B. Alexander, Ph.D.
(type or print name of person signing Statement)


Signature

July 11, 2003
Date
Dike, Bronstein, Roberts & Cushman
Intellectual Property Practice Group of
EDWARDS & ANGELL, LLP
P. O. Box 9169, Boston, MA 02209
P.O. Address of Signatory

(If applicable)

Tel. No.: (617) - 439-4444

Fax Nos.: (617) 439-4170 / 7748

Customer No.: 21874

- ☐ Inventor
- ☐ Assignee of complete interest
- ☐ Person authorized to sign on behalf of assignee
- ☒ Practitioner of record
- ☐ Filed under Rule 34(a)
- ☒ Registration No. 48,399
- ☐ Other

(specify identity of person signing)

(complete the following, if applicable)

(type name of assignee)

Address of assignee

Title of person authorized to sign on behalf of assignee

A "STATEMENT UNDER 37 C.F.R. Section 3.73(b)" is attached.

Assignment recorded in PTO on _____

Reel _____ Frame _____

SIGNATURE OF PRACTITIONER

Reg. No.

(type or print name of practitioner)

Tel. No.: ()

P.O. Address

Customer No.:

BOS2_341386.1

JBA

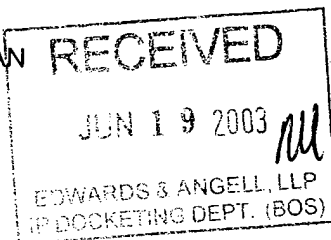


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO. 09/529,397	FIRST NAMED APPLICANT Shigeyuki Yokoyama	ATTY. DOCKET NO. 49651(1526)
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DIKE, BRONSTEIN, ROBERTS, & CUSMAN
EDWARDS & ANGELL
P.O. BOX 9169
BOSTON, MA 02209



INTERNATIONAL APPLICATION NO. PCT/JP99/04399	
I.A. FILING DATE 08/13/1999	PRIORITY DATE 08/14/1998

CONFIRMATION NO. 7045
371 FORMALITIES LETTER



OC000000010244891



Mailed: 06/13/2003

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- Priority Document
- Original Specification filed on 09/26/2000
- Drawings filed on 09/26/2000
- Claims filed on 09/26/2000
- Oath or Declaration filed on 09/26/2000
- Initial Application Filing Fees filed on 09/26/2000
- Copy of the International Application filed on 09/26/2000
- Copy of the International Search Report filed on 09/26/2000
- Preliminary Amendments filed on 09/26/2000
- Biochemical Sequence Diskette filed on 04/11/2002
- Oath or Declaration filed on 09/26/2000
- Biochemical Sequence Listing filed on 02/06/2003
- U.S. Basic National Fees filed on 09/26/2000

response due
Edwards & Angell LLP
101 Federal St. Boston, MA 02110
Docketed For 6/29/03-7/13/03
By MA
Approved _____

Applicant's response filed 02/06/2003 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 01/30/2002 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or a acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
 - A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of Annex C of the Administrative Instructions and 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
 - APPLICANT MUST PROVIDE:
 - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
 - For Rules Interpretation, call (703) 308-4216
 - To Purchase PatentIn Software, call (703) 306-2600
 - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

LAMONT M HUNTER

Telephone: (703) 305-3686

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/529,397	PCT/JP99/04399	49651(1526)